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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	DEFENDANT'S SECOND MOTION TO
)	DISMISS AND FOR SUMMARY
v.)	JUDGMENT; MEMORANDUM IN
)	SUPPORT OF DEFENDANT'S SECOND
MICHAEL CHERTOFF, Secretary,)	MOTION TO DISMISS AND FOR
DEPARTMENT OF HOMELAND)	SUMMARY JUDGMENT; CERTIFICATE
SECURITY,)	OF SERVICE
Defendant.)	
)	
)	Trial: September 25, 2007
)	Judge: Helen Gillmor

DEFENDANT'S SECOND MOTION TO DISMISS
AND FOR SUMMARY JUDGMENT

Come now defendant, by and through their undersigned attorneys, and move this court to dismiss and grant summary judgment to plaintiff's Amended Complaint. This motion is made under Federal Rules of Civil Procedure 12(b)(1) and 56, based on the grounds more fully stated in the accompanying Memorandum and the record herein.

DATED: May 14, 2007, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

/s/ Thomas A. Helper
By _____
THOMAS A. HELPER
Assistant U.S. Attorney

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,) CIVIL NO. 04-00671 HG LEK
)
 Plaintiff,) CERTIFICATE OF SERVICE
)
 v.)
)
 MICHAEL CHERTOFF, Secretary,)
 DEPARTMENT OF HOMELAND)
 SECURITY,)
 Defendant.)
 _____)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing document was served on the following at their last known address:

Served Electronically through CM/ECF:

DATED: May 14, 2007, at Honolulu, Hawaii.

/s/ Coleen Tasaka-Shoda